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Iza Gonzales

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AMENDED APPEAL BRIEF			Docket No. AFF014USPT02
Serial No. 10/816,712	Filing Date 04/02/2004	Examiner Lindsey, Rodney M	Group Art Unit 3765
Applicant:	Dennis Piper		
Invention:	RETENTION SYSTEM FOR HEADGEAR		

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Amended Appeal Brief is filed in response to the Notice of Non-Compliant Appeal Brief dated September 1, 2006 to which a response is due on or before October 1, 2006.

It is noted that an Examiner's Answer was mailed in connection with this appeal on August 17, 2006 in which the Examiner withdrew the rejection of claims 1-4 and 6-12 under 35 U.S.C. §102(b) as anticipated by Gwon (United States Patent No. 4,068,323) and introduced a new ground of rejection (rejection of claims 2-4, 10 and 11 as obvious under 35 U.S.C. §103(a) over Mattes (054) (United States Patent No. 4,741,054) in light of Gwon (United States Patent No. 4,068,323). While Applicant appreciates the withdrawal of the 102(a) rejection based upon Gwon, this Amended Appeal Brief continues to include a response to that rejection as the USPTO's treatment of the Examiner's Answer is unclear in light of the issuance of the Notice of Non-

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Dear Sir:

This Reply Brief is filed in reply to the new grounds of rejection introduced in the Examiner's Answer mailed September 1, 2006.

REAL PARTY IN INTEREST

The real party in interest in connection with this appeal remains unchanged.

RELATED APPEALS AND INTERFERENCES

Appellant and appellant's legal representative remain unaware of any other appeal or interference which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

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12/21/2006
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